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 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,)
 13 Plaintiff,)
 14 v.) 2:14-CR-015-JCM-(VCF)
 15 ALEXANDER JARIV,)
 16 Defendant.)

17 **THE UNITED STATES OF AMERICA'S SEALED UNOPPOSED MOTION FOR AN**
 18 **INTERLOCUTORY ORDER OF SALE OF PROPERTY AND ORDER**

19 The United States of America ("United States"), by and through Daniel G. Bogden, United States
 20 Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney,
 21 respectfully moves this Court for an Order for an Interlocutory Sale of the following real and personal
 22 property: 2007 Hummer H2, bearing Nevada tag 953 YZT, VIN 5GRGN23U77H100987; and Real
 23 Property located at 322 Karen Avenue, #1801, Las Vegas, NV Clark County parcel number 162-10-114-
 24 121, including all structures, appurtenances, and improvements thereon (all of which constitutes
 25 "property"). Through the Interlocutory Order of Sale, the United States requests this Court to authorize
 26 the United States Marshals Service to sell the vehicle through one of its approved methods and to

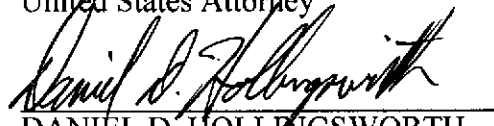
1 authorize Jariv to sell the real property through a real estate agent with the United States and Jariv
2 reviewing, coordinating, and approving together the sale contract Jariv enters into with the real estate
3 agent and the contract that accepts the offer of sale of the real property.

4 The grounds for issuing the Order for an Interlocutory Sale are the parties have agreed and this
5 Court is authorized to approve the interlocutory sales. This Motion is made and is based on the papers
6 and pleadings on file herein and the attached Memorandum of Points and Authorities.

7 DATED: March 26, 2014

8 Respectfully submitted,

9 DANIEL G. BOGDEN
10 United States Attorney

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12 DANIEL D. HOLLINGSWORTH
13 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF THE CASE

A. Procedural History

Alexander Jariv (“Jariv”) plead guilty to a One Count Criminal Information charging him with 18 U.S.C. § 371, Conspiracy to Commit (1) Wire Fraud in violation of 18 U.S.C. § 1343; (2) Making false material statements under the Clean Air Act in violation of 42 U.S.C. § 7413(c)(2)(A); and (3) Money Laundering in violation of 18 U.S.C. § 1956. This Court entered the Preliminary Order of Forfeiture on February 3, 2014, forfeiting the Real Property located at 322 Karen Avenue, #1801, Las Vegas, Nevada Clark County parcel number 162-10-114-121, including all structures, appurtenances, and improvements thereon; and a 2007 Hummer H2, bearing Nevada tag 953 YZT, VIN 5GRGN23U77H100987 (all of which constitutes “property”).

B. Statement of Facts

Jariv is a confidential resource and witness in the ongoing criminal investigation, ongoing grand jury investigation, and trial in *United States v. James Jariv and Nathan Stoliar*, 2:14-CR-006-APG- (GWF). Jariv’s criminal case is currently sealed to protect him. Publication under John Doe in www.forfeiture.gov has started but is not completed. The property is owned without mortgage holders or lienholders. The purpose of the interlocutory sale is to liquidate the property to allow for easier management of the assets, to reduce the cost of maintaining the property, and to avoid damage to the property since it is vacant and will remain such until the end of James Jariv and Nathan Stoliar’s criminal case.

II. ARGUMENT

This Court has authority to issue the Interlocutory Order of Sale. Fed. R. Crim. P. 32.2(b)(7) and Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”) G(7) authorize Interlocutory Sales. “At any time before entry of a final forfeiture order, the court, in accordance with Supplemental Rule G(7) of the Federal Rules of Civil Procedure, may order the

...

interlocutory sale of property alleged to be forfeitable.” Fed. R. Crim. P. 32.2(b)(7). The United States may move this Court to order the above-mentioned “property sold if:”

(A) the property is perishable or at risk of deterioration, decay, or injury by being detained in custody pending the action; (B) the expense of keeping the property is excessive or is disproportionate to its fair market value; (C) the property is subject to a mortgage or to taxes on which the owner is in default; or (D) the court finds other good cause.

Supplemental Rules G(7)(b)(i)(A)-(D). Jariv may sell the real property if this Court so orders.

Supplemental Rules G(7)(b)(ii) (“A sale must be made ... by any person the court designates.”). The United States and Jariv agree that Jariv sell the real property through a real estate agent with the United States and Jariv reviewing, coordinating, and approving together the sale contract Jariv enters into with the real estate agent and the contract that accepts the offer of sale of the real property, if this Court so orders. Supplemental Rules G(7)(b)(iii) (explaining that if “all parties, with the court’s approval, agree to the sale, aspects of the sale, or different procedures” the real property can be sold according to the agreement and the court order). The United States and Jariv agree that the United States Marshals Service will sell the vehicle through one of its approved methods, if this Court so orders. *Id.*

Additional laws also support this motion. This Court “may ... take any other action to preserve the availability of [the] property... for forfeiture...”, including an interlocutory order of sale. 21 U.S.C. § 853(e). “Following entry of [a preliminary order of forfeiture], the court may, upon application of the United States, ... take any other action to protect the interest of the United States in the property ordered forfeited ...”, including an interlocutory order of sale. 21 U.S.C. § 853(g).

The sale proceeds of the real property and the vehicle will be the “substitute res subject to forfeiture in place of the property that was sold.” Supplemental Rules G(7)(b)(iv). “The proceeds must be held in an interest-bearing account maintained by the United States pending the conclusion of the forfeiture action.” *Id.*

III. CONCLUSION

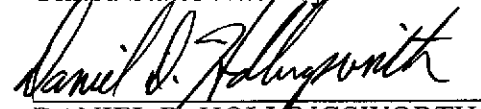
The United States respectfully requests that this Court order the interlocutory sale of the vehicle and the real property under the following conditions. The real property value may decline because the

1 house is vacant and may be vandalized. Selling the real property at an arm's length transaction through
 2 this interlocutory sale will preserve its value and protect the real property. The vehicle will continue to
 3 lose value. Selling the vehicle through this interlocutory sale will prevent as the loss of value from
 4 occurring if the United States and Jariv wait for the sentencing of Jariv which will occur after the
 5 criminal case, *United States v. James Jariv and Nathan Stoliar*, 2:14-CR-006-APG-(GWF), is completed.
 6 Jariv agrees to the interlocutory sale of the property. The United States and Jariv agree that Jariv will sell
 7 the real property through a real estate agent with the United States and Jariv reviewing, coordinating, and
 8 approving together the sale contract Jariv into enters with the real estate agent and the contract that
 9 accepts the offer of sale of the real property. The United States and Jariv agree that the United States
 10 Marshals Service will sell the vehicle through one of its approved methods. By authorizing the
 11 interlocutory sales as discussed above, this Court will preserve the value of the property and expedite the
 12 sale of both properties – the real property by a real estate agent and the vehicle through the United States
 13 Marshals Service.

14 DATED: March 26, 2014.

15 Respectfully submitted,

16 DANIEL G. BOGDEN
 17 United States Attorney

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 19 DANIEL D. HOLLINGSWORTH
 Assistant United States Attorney

20
 21 IT IS SO ORDERED:

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 23 
 24 UNITED STATES DISTRICT JUDGE

25 DATED: March 27, 2014
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PROOF OF SERVICE

I, Heidi L. Skillin, Paralegal, certify that the following individuals were served with copies of
THE UNITED STATES OF AMERICA'S SEALED UNOPPOSED MOTION FOR AN
INTERLOCUTORY ORDER OF SALE OF PROPERTY AND ORDER on March 26, 2014, by the
below identified method of service:

First Class Mail

John Kinchen
1221 McKinney, Suite 3150
Houston, TX 77010
Counsel for Alexander Jariv



HEIDI L. SKILLIN
Forfeiture Support Associates Paralegal